

**Central and Southern Florida
Modified Water Deliveries to
Everglades National Park, Florida
8.5 Square Mile Area**

**Appendix D
Real Estate**

DRAFT

**Department of the Army
Jacksonville District, Corps of Engineers
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Appendix D

Real Estate

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APPENDIX D

REAL ESTATE

1.0 STATEMENT OF PURPOSE

This Real Estate Appendix is tentative in nature and is for planning purposes only. Both the final real property acquisition lines and the real estate cost estimates provided are subject to change even after submittal of this document. The purpose of this Appendix is to provide the cost estimates for lands required for the

9 Alternatives set forth in this General Reevaluation Report.

A General Design Memorandum for the Modified Water Deliveries to Everglades National Park, Florida (GDM) was prepared in 1992, which addressed water deliveries through the Northeast Shark River Slough portion of the C&SF Project to the Everglades National Park.

The authorized plan in the GDM included a flood mitigation system for the 8.5 square mile area and acquisition of approximately 663 acres.

The non-Federal sponsor, the South Florida Water Management District (SFWMD), has, however, requested the evaluation of other alternatives and this is the purpose of this General Reevaluation Report (GRR) and Supplemental Environmental Impact Statement (SEIS).

2.0 AUTHORIZATION

The initial works of the Central and Southern Florida (C&SF) Project were authorized by the Flood Control Act of June 30, 1948 (Public Law 858, 80th Congress, 2d Session).

The Everglades National Park Protection and Expansion Act of 1989 (Public Law 101-229, Section 104), authorized expansion of the boundaries of the Everglades National Park and provided for the protection of lands, waters, and natural resources within the park, and for other purposes and authorized the Secretary of the Army to construct modifications to the C&SF project to improve water deliveries to the Everglades National Park for the purposes of protecting the values associated with the Everglades National Park.

3.0 PROJECT LOCATION

The area commonly known as the 8.5 Square Mile Area (SMA) is located in the western portion of Miami-Dade County Florida along the eastern edge of the ENP. Miami-Dade County is the most urbanized county in the State. The City of Miami and its environs are located in Miami-Dade County. The 8.5 SMA is

actually about 10 square miles in size. The area is roughly triangular in shape and contains 1984 tracts of land of various sizes. The eastern boundary of the area is the canal identified as L-31 North. The area is bordered on the south by 168th St. and on the north by 104th Street. The western boundary is the ENP and stair steps north and east from 221st Ave. The history of this area is filled with controversy and confrontation. At the heart of the controversy are the Federal and State Government efforts to restore natural water inflows into the Everglades. These efforts have increased the water table level and lengthened the time it takes for rainfall events to run off the land. This has increased the level of flooding and the retention of waters in the area. The Federal government, through the National Park Service and the Army Corps of Engineers (USACE) has developed a plan to mitigate the effects of the increased flows on the 8.5 SMA. This plan was authorized for construction by Congress in 1992.

4.0 PROJECT DESCRIPTION

The Federal government, through the National Park Service (NPS) and USACE has developed a plan to mitigate the effects of the increased flows on the 8.5 SMA. This plan was authorized for construction by Congress in 1992. Even though the construction of the authorized project will be funded 100% by the Federal Government, a non-Federal sponsor will be required to cost share the operation and maintenance of the completed project. The non-Federal sponsor, SFWMD, has, however, requested the evaluation of other alternatives and this is the purpose of this GRR.

There are approximately 6413 acres and 1984 parcels within the area. Miami-Dade County has declared the area an "Area of Environmental Concern" and changed zoning density from 1 house per 5 acres, in certain parts of the area, to 1 house per 40 acres in other parts of the area. The zoning change in 1981 was designed to limit development on the undeveloped tracts.

A study conducted by the Department of Environmental Resources Management (DERM) of Miami-Dade County identified a total of 514 housing units in the area, consisting of 321 homes and 193 mobile homes or travel trailers. A comparison of home addresses to mailing addresses indicated that of the 514 residential type units only 208 units received mail at the address in the 8.5 SMA. It is estimated that there is a resident population of 853 (208 X 4.1 persons per household).

Current land use in the 8.5 SMA is of a mixed variety. The land use discussed is based on a 1999 investigation by DERM and modified based on land acquisitions by SFWMD through March 2000. It should be noted that land acquisitions by SFWMD in the area are continuing. Approximately 46.9 percent of the land or approximately 3,005 acres within the area is vacant. Approximately 43.9 percent or approximately 1319 acres is in public ownership, (SFWMD-approximately 469 acres, Miami-Dade County-approximately 174 acres, USDA-approximately

13 acres, and USACE-approximately 663 acres). The remaining vacant land (approximately 1,686 acres) is in private ownership. Approximately 41.2 percent of the land or approximately 2,642 acres are in agricultural activities, which include row crops, orchards, nurseries, pasture, etc. Of the land in agricultural activities, approximately 970 acres on 264 parcels contain some type of residential unit. There are approximately 342 acres in 74 parcels that are classified as exclusively residential. The Federal Aviation Administration (FAA) has a facility located on approximately 306 acres. Commercial activities (4 parcels for total of 16 acres) are limited. Florida Power & Light owns approximately 102 acres within the area. A listing of current land ownership can be found in Table D-1.

5.0 FEDERAL GOVERNMENT-OWNED LAND

The USACE has acquired or will have acquired approximately 663 acres of lands required for the authorized plan, Alternative No. 1. For Alternatives No., 2 through No. 9 this acreage will be utilized as Government owned lands. The USACE has acquired by direct purchase approximately 505 acres with the remaining approximately 158 acres having been acquired by condemnation.

The Federal Aviation Administration owns approximately 306 acres within the 8.5 SMA. The Department of Agriculture owns approximately 13 acres within the 8.5 SMA.

6.0 SPONSOR-OWNED LAND

The SFWMD has acquired approximately 469 acres (160 parcels) in the 8.5 SMA as of March 2000.

7.0 OTHER GOVERNMENT OWNED LAND - MIAMI-DADE COUNTY AND STATE OF FLORIDA

Miami-Dade County owns approximately 174 acres in the 8.5 SMA.

8.0 DESCRIPTION OF ALTERNATIVES

Nine Alternatives were reviewed and analyzed by USACE in the GRR. Following is a description of the 9 Alternatives being presented in the GRR/SEIS:

8.1 Alternative No. 1 – Authorized GDM Plan

Congress authorized the Original Plan for implementation per the GDM prepared by the USACE Jacksonville, District in 1992. It includes a major levee along the 8.5 SMA perimeter starting at the L-31 N on the north side of the area, and moving west and south to high ground on SW 168th Street. A seepage canal will be constructed adjacent to and just inside of the major levee to collect

groundwater underflow. A minor levee will be constructed adjacent to and just inside the seepage canal to prevent surface water flow from running into the canal from 8.5 SMA. There is concern that runoff from the 8.5 SMA could possibly be polluted, and the minor levee will keep potentially contaminated water from mixing with the cleaner seepage water from ENP. This alternative offers flood mitigation for all residents of 8.5 SMA. A new pump structure (proposed S- 357) will be located in the canal at the northeastern edge of 8.5 SMA near the L-31 N canal. This pump will discharge water from the seepage canal into L-31 N. Another new pump structure (proposed S-356, not included in this project) will pump from L-31 N canal into L-29 canal. This will re-circulate cleaner seepage water back to NESRS and ENP. Surface water runoff from within the 8.5 SMA will be contained by the minor levee, and eventually infiltrate into the ground.

The authorized plan includes the acquisition of fee title less the Severable Use Rights to approximately 663 acres within 259 parcels. The USACE has acquired this land or is in the process of finalizing the acquisition of this land. This would be the only lands required for implementation of this plan at full Federal cost. There was also one residential relocation.

8.2 Alternative No. 2B – Modified GDM Plan

The development of this alternative was a direct result of the completion of the C&SF Restudy plan sent to Congress in July 1999. Many of the scoping comments received requested that the Authorized Plan be modified to accommodate higher flows and stages expected after the Restudy is implemented. Alternative No. 2 was developed by the 8.5 SMA technical team to address this issue. This alternative has the same basic layout of Alternative No. 1, and also provides flood mitigation for all residents of 8.5 SMA. It includes the same basic major levee, seepage canal, and minor levee system along the 8.5 SMA boundary southwest from L-31 N to high ground on SW 168th Street. A single pump (proposed S-357) will be installed at the southwest corner of the 8.5 SMA and will discharge seepage water into the C-111 buffing area. The STA will provide for polishing the discharged seepage water before it is released into NESRS. As in Alternative No. 1, surface water runoff from within the 8.5 SMA will be contained by the minor levee, and will infiltrate into the ground.

The authorized plan includes the acquisition of fee title less the Severable Use Rights to approximately 663 acres within 259 parcels. The USACE has acquired this land or is in the process of finalizing the acquisition of this land. This would be the only lands required for implementation of this plan at full Federal cost. There was also one residential relocation.

8.3 Alternative No. 3 – Deep Seepage Barrier Plan

Previous studies developed a plan that considered constructing a deep seepage barrier around the protected area to reduce or eliminate groundwater underflow from ENP expansion area to the 8.5 SMA. Under this plan, the outer perimeter levee follows the same alignment as the Authorized Plan, along the 8.5 SMA boundary southwest from L-31 N to high ground on SW 168th Street. A seepage barrier, possibly located within the levee, extends down to an undetermined elevation. In addition, the seepage barrier will run east along SW 168th Street and tie into

L-31 N. The seepage barrier will be made of an engineered barrier or curtain wall such as slurry wall, sheet piles, etc. The barrier must be installed at elevation below the aquifer (estimated 45 to 70 feet). This will eliminate the need for the seepage canal and interior levee. Surface water runoff from within the 8.5 SMA will be contained by the levee, and infiltrate into the ground.

The authorized plan includes the acquisition of fee title less the Severable Use Rights to approximately 663 acres within 259 parcels. The USACE has acquired this land or is in the process of finalizing the acquisition of this land. This would be the only lands required for implementation of this plan at full Federal cost. There was also one residential relocation. This land would be required for this alternative. Because of the hydrological impacts to lands east of the levee, an interest would have to be obtained over an additional 5,162 acres within 1,599 parcels. Of this 5,162 acres, SFWMD has acquired the fee title to 469 acres within 160 parcels.

The remaining acres (4,693 acres within 1,439 parcels) would require the acquisition of a flowage easement. Septic systems (estimate of 487) would be raised, however, if the cost of the flowage easement combined with the cost of the raising of the septic system exceeds the cost of the fee value of the land, the purchase price would be limited to the fee value of the land. Permanent houses with a floor elevation below 7.7 feet would be acquired. The raising of mobile homes would be the responsibility of the owner and the cost would be included in the purchase price, which would not exceed fee value. It is estimated that 50 houses would be impacted and that these residents would be relocated.

8.4 Alternative No. 4 – Landowner's Choice Land Acquisition

Many of the comments received in the scoping process suggested that the landowners may respond more favorably to a voluntary land acquisition alternative. Many residents indicated that they would be willing to stay and, endure the increased flooding if they were shown the extent of the impact. Therefore, an alternative was developed by the study team that provided for acquisition of land in 8.5 SMA through three different means. Current owners would have a choice of one of the following:

- Buy – Out: Government purchase (fee simple)
- Flowage Easements: Pay property owners cash as mitigation for periodic flooding. Owner retains ownership rights to property, subject to the right of the Government to periodically flood and overflow their properties.
- Life Estates with Flowage Easements: Owners retain ownership and full use of property for duration of current owner's life, subject to the right of the Government to overflow and flood the properties. At the end of duration of current owner's life, the fee title to the property goes to ownership of the Government.

Life estates without flowage easements were considered at one time, however, because the Government would have no rights to utilize the property until the death of the holder of the life estate, project implementation would be delayed indefinitely.

Modeling would be performed to graphically demonstrate to the owners the elevations and extent of flooding. This will assist the owners in making their choice. Under this scenario, property owners would be given a choice of a Government Buy-Out of their property, the Government purchase of flowage easements, or the Government purchase of Life Estates with flowage easements as described above.

It is assumed that, if a landowner refuses to make a choice of one of the three options, the estate acquired through condemnation would be a flowage easement. However, it is also assumed that there would be very few landowners that would not make a choice of one of the options. Most condemnations would be for title clearance purposes.

The authorized plan includes the acquisition of fee title less the Severable Use Rights to approximately 663 acres within 259 parcels. The USACE has acquired this land or is in the process of finalizing the acquisition of this land. This would be the only lands required for implementation of this plan at full Federal cost. There was also one residential relocation. This land would be required for this alternative. SFWMD has acquired the fee title to 469 acres within 160 parcels.

Flowage easements would be required over the FAA lands (approximately 306 acres-1 parcel) and the USDA lands (approximately 13 acres-5 parcels).

Of the remaining 4,962 acres within 1,599 parcels required in this alternative, approximately 174 acres within 185 parcels are owned by Miami-Dade County. It is assumed that fee title would be acquired from Miami-Dade County. The Florida

Power & Light lands (approximately 102 acres within 28 parcels) would also be acquired in fee.

For purposes of this evaluation, it was assumed that all agricultural owners would want to preserve their income and would choose to sell flowage easement to the Government (approximately 2,772 acres within 713 parcels). It was assumed that the commercial properties would choose to sell to the Government (approximately 16 acres within 4 parcels). It was assumed that for owners of vacant lands the owners of approximately 1,467 acres (483 parcels) would choose to convey flowage easements, with the remainder of owners of the vacant land (72 parcels with approximately 219 acres) choosing to convey life estates with flowage easements.

For owners of residential properties, it was assumed that 33 owners (approximately 96 acres) would choose flowage easements, with 32 owners (approximately 90 acres) choosing to accept total buy-out and relocation by the Government, and 9 owners (26 acres) choosing the life estate with flowage easement.

Existing septic systems for those owners not choosing the total buy-out would have to be raised. (approximately 443)

8.5 Alternative No. 5 – Total Buy-Out Plan

Total buyout was originally developed and evaluated as an alternative in the 1992 GDM. The Governor's East Everglades 8.5 SMA Study Committee also considered total buyout as an alternative, as did the PEER Report. Under this plan, all land in 8.5 SMA will be obtained either from willing sellers or by condemnation. No structural improvements are proposed, and no significant changes in operation of existing structures and system will be required.

Of the approximately 6,413 acres in the 8.5 SMA all but 1,451 acres (the FAA Facility – approximately 306 acres, the USDA land approximately 13 acres, the SFWMD land-approximately 469 acres, and the USACE land – approximately 663 acres) would be acquired in fee. A flowage easement would be acquired on the approximately 306 acres belonging to FAA and the approximately 13 acres belonging to USDA. This alternative would require the acquisition of the remaining 4,962 acres impacted by this alternative. In addition, the Government would have to relocate about 853 persons in 208 households. It is also estimated that last resort housing would be required for 135 of these households or 554 persons. An additional 260 non-owner households (tenant relocations) with about 1,066 persons would be affected by the Buy-Out.

8.6 Alternative No. 6B – Western Portion of 8.5 SMA as Buffer Alternative

The Governor's East Everglades 8.5 SMA Study Committee developed and evaluated several alternatives that utilized the western portion of the 8.5 SMA as a flow-way or buffer area. This concept was further studied in the PEER Report and the analysis confirmed that it was a feasible concept. Therefore, an alternative was developed for this evaluation that would convert the western portion of the 8.5 SMA to a shallow impoundment to be used as a buffer between the developed area and ENP. This alternative uses a similar concept to the original GDM authorized plan, but was modified to be more compatible with Restudy. The eastern portion of the 8.5 SMA is included within a flood protection levee and drainage system. The perimeter levee runs approximately along 202nd Avenue down to 168th Street. A seepage canal is located just inside the new levee and is designed to collect groundwater underflow. A second levee located just inside the seepage canal will prevent surface water from running into the seepage canal and mixing with seepage water. A new proposed pumping structure (S-357) located at the southern terminus of the levee/canal system will discharge seepage water through a 120-inch pipe, where it will be released south into the C-111 project area. There will be no major changes to operations of existing structures in the system.

Of the approximately 6,413 acres located in the 8.5 SMA, approximately 4,196 acres are required to implement this alternative. The authorized plan includes the acquisition of fee title less the Severable Use Rights to approximately 663 acres within 259 parcels. The USACE has acquired this land or is in the process of finalizing the acquisition of this land. This would be the only lands required for implementation of this plan at full Federal cost. There was also one residential relocation. This land would be required for this alternative. SFWMD has acquired the fee title to 469 acres within 160 parcels.

The remaining approximately 3,066 acres required for this alternative would be acquired in fee. It is estimated that approximately 586 permanent residents in 143 households will be displaced with the implementation of this alternative. In addition, about 1,175 acres of agricultural lands and 462 owners or parcels will be acquired.

8.7 Alternative No. 7 – Raise All Roads Plan

Public comments indicated the desire to allow use of the land within the 8.5 SMA after the implementation of MWD project, even without flood mitigation or protection measures. An alternative was developed that would improve roadway features within the area. This would be accomplished by raising all public access roads and restoring them in-kind. The roads will be raised so that they will not be flooded as a result of the MWD Project. All areas within the roads will remain unimproved. Roads will be improved only to the condition in which they currently exist (paved will be paved, dirt will be dirt). Internal drainage could be handled by

placing culverts and obtaining flowage easements. Due to the nature of the subsurface in the area, much of the surface water is expected to infiltrate.

The authorized plan includes the acquisition of fee title less the Severable Use Rights to approximately 663 acres within 259 parcels. The USACE has acquired this land or is in the process of finalizing the acquisition of this land. This would be the only lands required for implementation of this plan at full Federal cost. There was also one residential relocation. This land would be required for this alternative. SFWMD has acquired the fee title to 469 acres within 160 parcels.

Fee title to approximately 303 acres would be required over all the road parcels to be raised. These acres would be transferred to either Miami-Dade County or a special taxing district created within the 8.5 SMA for operation and maintenance after completion of the raising. Because of additional hydrological impacts on lands within the 8.5 SMA, flowage easements will be required on approximately 4,404 acres of land. Approximately 487 septic systems might have to be raised. It is estimated that approximately 49 residential/agricultural units would occur and one commercial activity would be relocated.

8.8 Alternative No. 8A – Western Portion of 8.5 SMA as Flow-way.

This alternative evolved as a modification of the flow-way concept originally evaluated by the Governor's Study Committee. It uses a similar concept to Alternative No. 6 to mitigate for increased stages at the eastern, most inhabited portion of the area, and keep the western area as a more natural, undeveloped area. This western area will serve as a buffer zone to ENP west of the mitigation levee and as a natural flow-way for diverting flow from ENP to the C-111 area. An interior perimeter levee will start just north of 120th Street, run south and west around the FAA tract, along 202nd Avenue down to 168th Street. An exterior diversion levee will run approximately parallel to the interior levee and serve as a containment barrier for a natural swale flow-way. The containment levee will be small enough to allow surface water flow from ENP, but big enough to divert flow contained within the flow-way. A new proposed structure (S-357) located at 168th Street levee/canal system will discharge seepage water into the C-111 system. There are no major changes to operations of existing structures proposed under this plan.

The authorized plan includes the acquisition of fee title less the Severable Use Rights to approximately 663 acres within 259 parcels. The USACE has acquired this land or is in the process of finalizing the acquisition of this land. This would be the only lands required for implementation of this plan at full Federal cost. There was also one residential relocation. This land would be required for this alternative. SFWMD has acquired the fee title to 469 acres within 160 parcels.

Approximately 2,013 additional acres would be required in fee and flowage easements. In addition, the Government would have to relocate about 1,308 persons in 319 households. It is also estimated that last resort housing would be required for 78 of these households. An additional 170 non-owner households (tenant relocations) would be relocated.

8.9 Alternative No. 9 – Adaptive Refinement of GDM Plan

Numerous comments were received during the public comment period referencing the need to develop a plan that would be compatible with the Restudy. This alternative evolved as a plan that is capable of integrating immediately with the system operation for implementation of the MWD Project, but constructed in a manner that can be modified to comply with the Restudy Flows. In other words, build something that meets the needs for now, but will not need to be demolished and reconstructed to meet the needs of future conditions. The result is basically a combination of Alternative No. 1 (Modified GDM Plan) and Alternative No. 2 (Modified GDM Plan). It has the same layout of levees and seepage canals as Alternatives No. 1 and No. 2. It also includes pumping structures at locations on the northeastern corner of the 8.5 SMA, and at the intersection of L-31 N and L-29 as proposed in Alternative No. 1. It also includes a future pumping structure located at the southern terminus of the seepage canal at the southwestern corner of the 8.5 SMA for construction after the Restudy is implemented.

The authorized plan includes the acquisition of fee title less the Severable Use Rights to approximately 663 acres within 259 parcels. The USACE has acquired this land or is in the process of finalizing the acquisition of this land. This would be the only lands required for implementation of this plan at full Federal cost. There was also one residential relocation.

9.0 LAND VALUE ESTIMATE INFORMATION

The lands in the 8.5 Square Mile Area are primarily agricultural, vacant, or residential in nature. The most common method of appraising vacant land, agricultural, and residential property in the local market is by direct comparison to other similar properties via the sales comparison approach. The sales comparison approach has as its premise a comparison of the subject property with the sales of other properties of similar design, utility and use that have sold in the recent past. In addition, a statistical analysis of the sales was made to assist in estimating the contribution of various value attributes.

Land values were estimated by direct comparison to confirmed sales of tracts of similar size. For the purposes of analysis, the total estimated land value of the parcels not owned by the USACE or by the SFWMD or the Federal Aviation Agency was divided by the acreage estimated to be contained within the total buyout area excluding the acreage held by those agencies. The resulting per

acre land value was utilized in estimating the land valuations in each alternative. The calculation was estimated as \$48,208,092 divided by 4,975 acres needed to arrive at an average value of \$9,690 per acre for land in fee.

The sales comparison approach was also used to value the subject residential improvements and auxiliary buildings by comparing them to sales of similar improved properties. Adjustments were made for agricultural uses contained on site such as nurseries and groves. Stables and sheds were factored into the residential parcel valuations by considering adjusted square footages from the Miami-Dade County Property Appraiser's Office rather than strictly residential living areas. The price per square foot of building for the improvements only was calculated after abstracting the contributory value of the land. The total value of the residential properties divided by the estimated number of such properties was used to evaluate the various alternatives. The estimated average contributory value of the residential improvements (not including land) was estimated as \$27,900,955 divided by 321 structures or \$87,000 per residential unit.

Stand alone agricultural structures were valued based upon cost factors obtained from Marshall Valuation Service utilizing adjusted square footages from the Miami-Dade County Property Appraiser's Office with depreciation based upon the year built or effective age noted in the Property Appraiser's data.

For those properties designated as having minor improvements or those improved with mobile homes and campers, a contributory value of \$4,000 was added after consideration of the impact of miscellaneous improvements on the statistical analysis of the sales data. The total miscellaneous and agricultural structure value for the required area indicated in Alternative No. 5 was divided by the total area to estimate a per acre value for use in the various alternative considerations. The average per acre value was estimated as \$8,757,630 total value divided by 4,975 acres or \$1,760 per acre.

A contributory value of nurseries and groves (not including stock in trade or crop value) was made by consideration of the sales of nurseries in southwest Miami-Dade County after abstracting a contributory land value. Recognizing that the quality and condition as well as the type of grove impacted on the value, a contributory value of grove not including land of \$8,000 per acre was used in the comparative analysis.

The impact of flowage easements was estimated by subtracting the remaining land value of \$500 per acre and the value of any residential and auxiliary buildings from the total property value. Agricultural structures, miscellaneous improvements on non-residential properties or sites improved with trailers and campers, and groves and nurseries were considered as acquired for the areas with flowage easements. The value of the flowage easement on acquired on vacant land parcels was estimated as \$9,960 per acre fee value less \$500 per acre residual value or \$9,190 per acre easement value.

10.0 ATTITUDE OF OWNERS

The acquisition of lands within the 8.5 SMA has been controversial. Many of the residents of the area do not favor the purchase of any additional acreage in the 8.5 SMA and would not be willing sellers. For the purpose of this evaluation, and to provide a cost estimate report, the estimated number of parcels in Alternative Nos. 3, 5, 6, 7, and 8 that would require acquisition through eminent domain proceedings is 10 percent of the total parcels in each alternative remaining to be acquired. For Alternatives Nos. 1, 2, and 9, the parcels requiring acquisition through eminent domain are already included in the USACE totals for land costs and administrative expenses. For Alternative No. 4, Landowners Choice, it is estimated the only 3 percent of the parcels that would require acquisition through eminent domain proceedings. These estimates include only parcels to be acquired from unwilling sellers and not for title.

11.0 SEVERABLE USE RIGHTS (SURs)

The following is extracted from a guidance letter from the U.S. Department of Justice, Environment and Natural Resources Division, dated January 17, 1995.

In Miami-Dade County, Florida, the creation of SURs followed the official recognition of the importance of the ecosystem of the East Everglades and the enactment by the Board of Commissioners in 1975 of the East Everglades Ordinance. This ordinance enacted zoning regulations, which limited development in the area to agricultural, residential and certain recreational uses. An area of approximately 242 square miles in the East Everglades was designated as an *Area of Critical Environmental Concern*, and three management zones within it were defined (Sec. 33B-13). Management Area 1 is termed *Modified Environment* (boundary land previously altered by human activity), Management Area 2 is *Permanent Wetlands*, while Management Area 3 is *Seasonal Wetlands* (Sec 33B-15).

In 1981, the East Everglades Ordinance was amended by the addition of comprehensive land management and development regulations for the Area of Critical Environmental Concern. These regulations define permitted and conditional uses in each management area, but do not totally ban development. For example, in each management area, single-family detached dwellings are permitted at a density of no greater than one unit per forty acres.

Also in 1981, immediately following the adoption of the comprehensive land management regulations, the Miami-Dade County commissioners moved to inhibit residential development in the East Everglades through the establishment of a SUR program in each management area.

The stated purpose of the program is to - *provide the owners of land located within the East Everglades Area of Critical Environmental Concern a*

development alternative to on-site development whereby they can secure a beneficial use of their property through off-site development without the expense and cumulative environmental degradation of on-site development.

The ordinance defines a Severable Use Right, or SUR, as - *a specially allocated, lawful permitted right of use of real property which inures to the benefit of the owner of a parcel of land, as created by this division.*

Section 33B-44 made SURs freely transferable from land in the East Everglades Area of Critical Concern (herein referred to as the transferor land) to land located in any Miami-Dade County zoning district outside the Area of Critical Environmental Concern (the transferee land). This same section addresses the mechanics of SUR transfers by requiring a purchaser of SURs to - *demonstrate that an instrument of conveyance or the use of a severable use right has been recorded in the chain of title in accordance with section 33B-45(f).*

Section 33B-45(f) requires any person planning to undertake development as a result of having purchased SURs to - *demonstrate that an instrument of conveyance or the use of the severable use right has been recorded in the chain of title of the parcel of land from which the severable use rights is transferred and that such instrument restricts the use of the transferor lands to nonresidential uses.*

Thus, in order for a transfer of SURs to take place properly in Miami-Dade County, two requirements must be met: 1) an instrument conveying or severing the SURs must be recorded in the chain of title for the parcel of land from which the SURs are transferred; and 2) that instrument must restrict the transferor land to nonresidential uses. The end result of a properly documented transfer of SURs is a recorded restriction of the transferor land to nonresidential uses.

SURs are of no consequence to federal ownership of land or sponsor ownership of the land for a Federal project except that when SURs are properly severed from land, a use restriction is placed on the land (land can no longer be used for residential purposes). The effect of such a restriction is unclear.

The conservative course recommended by the Department of Justice is to assume that the restriction prohibiting residential use of the land will be enforceable against the United States and in this case against the local sponsor of the project. An enforceable restriction of this type will not interfere with the contemplated use of the land. No residential use of the property is planned. Indeed, generally, no improvements are planned for the property other than the Corps of Engineers' water control improvements, and the general purpose of the acquisition is to preserve the land in its natural state and prevent development.

Appraisers can value SURs using the sales comparison approach if there are sufficient transactions to constitute a market. When the market is inadequate,

appraisers may use the income capitalization approach. In such cases, property through the acquisition of a SUR is adjusted for administrative, legal and other costs incurred.

For the purpose of this project SURs are not required and therefore SURs were not valued in the gross appraisal process.

12.0 RELOCATION ASSISTANCE (PUBLIC LAW 91-646)

There are approximately 1,984 parcels within the project area. There are five hundred and fourteen residential units, which consist of 321 fixed houses and 193 mobile homes/travel trailers. Of these 514 residential units, 208 are owner occupied. In addition it estimate that there will be a maximum of 260 tenant families to be relocated depending on the Alternative. There are approximately 20 business operations including commercial nursery farms within the 8.5 square mile area. As a result of hydrological impacts associated with Alternatives Nos. 3, 4, 6, 7 and 8, it is estimated that 10 of these businesses will require relocation. The above will require relocation payments as specified under the provision of Title II of Public Law 91-646.

Estimates of costs to comply with Public Law 91-646 for each alternative are as follows:

12.1 Alternative No. 1 – Authorized GDM Plan

There was 1 residential relocation associated with this Alternative at a cost of \$25,000.

12.2 Alternative No. 2 – Modified GDM Plan

There was 1 residential relocation associated with this Alternative at a cost of \$25,000.

12.3 Alternative No. 3 – Deep Seepage Barrier Plan

There was 1 residential relocation associated with the USACE lands at a cost of \$25,000. The remaining lands required for this Alternative will incur 50 residential moves estimated at \$770,000 consisting of move costs and replacement housing payment for 20 owner occupants (\$560,000) and move costs for 30 non-owner occupied homes (\$210,000). 26 tenant relocations at \$266,500 for move costs and rent differential. 10 business relocations estimated at \$200,000 for move costs and reestablishment expenses. Additional P.L. 91-646 costs for Alternative No. 3 of \$1,236,500.

12.4 Alternative No. 4 – Landowner’s Choice Land Acquisition

There was 1 residential relocation associated with the USACE lands at a cost of \$25,000. The remaining lands required for this Alternative will incur 44 residential moves estimated at \$730,000 consisting of move costs and replacement housing payment for 20 owner occupants (\$560,000) and move costs for 24 non-owner occupied homes (\$170,000). 20 tenant relocations at \$205,000 for move costs and rent differential. 10 business relocations estimated at \$200,000 for move costs and reestablishment expenses. Additional P.L. 91-646 costs for Alternative No. 4 of \$1,135,000.

12.5 Alternative No. 5 – Total Buy-Out Plan

There was 1 residential relocation associated with the USACE lands at a cost of \$25,000. The remaining lands required for this Alternative will incur 514 residential moves estimated at \$8,993,700 consisting of move costs and replacement housing payment for 208 owner occupants (\$6,888,700) and move costs for 306 non-owner occupied homes (\$2,105,000). An estimated 135 of the 208 replacement housing payments will be last resort, 260 tenant relocations at \$2,665,000 for move costs and rent differential, 20 business relocations estimated at \$400,000 for move costs and reestablishment expenses. Additional P.L. 91-646 costs for Alternative No. 5 of \$12,058,700.

12.6 Alternative No. 6 – Western Portion of 8.5 SMA as Buffer Alternative.

There was 1 residential relocation associated with the USACE lands at a cost of \$25,000. The remaining lands required for this Alternative will incur 353 residential moves estimated at \$4,735,981 consisting of move costs and replacement housing payment for 143 owner occupants (\$1,788,413) and move costs for 210 non-owner occupied homes (\$2,947,569). An estimated 93 of the 143 replacement housing payments will be last resort, 179 tenant relocations at \$1,834,750 for move costs and rent differential. 10 business relocations estimated at \$200,000 for move costs and reestablishment expenses. Additional P.L. 91-646 costs for Alternative No. 6 of \$8,215,731.

12.7 Alternative No. 7 – Raise All Existing Roads Plan

There was 1 residential relocation associated with the USACE lands at a cost of \$25,000. The remaining lands required for this Alternative will incur 50 residential moves estimated at \$770,000 consisting of move costs and replacement housing payment for 20 owner occupants (\$560,000) and move costs for 30 non-owner occupied homes (\$210,000). 26 tenant relocations at \$266,500 for move costs and rent differential. 10 business relocations estimated at \$200,000 for move costs and reestablishment expenses. Additional P.L. 91-646 costs for Alternative No. 7 of \$1,236,500.

12.8 Alternative No. 8 – Western Portion of 8.5 SMA as Flow-way

There was 1 residential relocation associated with the USACE lands at a cost of \$25,000. The remaining lands required for this Alternative will incur 319 residential moves estimated at \$5,582,319 consisting of move costs and replacement housing payment for 129 owner occupants (\$4,272,319) and move costs for 190 non-owner occupied homes (\$1,310,000). An estimated 84 of the 129 replacement housing payments will be last resort, 162 tenant relocations at \$1,660,500 for move costs and rent differential, 10 business relocations estimated at \$200,000 for move costs and reestablishment expenses. P.L. 91-646 costs for Alternative No. 8 of \$7,442,819.

12.9 Alternative No. 9 – Adaptive Refinement of GDM Plan

There was 1 residential relocation associated with this Alternative at a cost of \$25,000.

The Non-Federal sponsor will be advised of Public Law 91-646 requirements as well as provided documentation of the law, as amended.

13.0 ACQUISITION/ADMINISTRATIVE COSTS

The purpose of this paragraph is to provide an estimate of the administrative costs associated with the acquisition of the lands required for each Alternative. These administrative costs include title insurance, appraisals, staff acquisition/relocation costs, surveys, legal descriptions, and the costs associated with condemnations.

For all alternatives, the administrative costs of the USACE will remain a constant at \$1,700,000, which includes all of the above costs .

Based on past experience with other SFWMD projects, (C-111 and Kissimmee River Restoration) the estimate of administrative costs for each parcel acquired by SFWMD or to be acquired by SFWMD is estimated at \$6,000 per tract, exclusive of those tracts requiring acquisition through eminent domain proceedings. For those tracts, an estimate of \$30,000 per tract is estimated.

13.1 Alternative No. 1 – Authorized GDM Plan

The only administrative costs are those of the USACE-\$1,700,000.

13.2 Alternative No. 2B – Modified GDM Plan

The only administrative costs are those of the USACE-\$1,700,000.

13.3 Alternative No. 3 – Deep Seepage Barrier Plan

The administrative costs of the USACE are \$1,700,000. SFWMD would acquire a total of 1599 parcels, which includes those already acquired by SFWMD. Of these 1599 parcels, 160 would be acquired through eminent domain. Total administrative costs of the SFWMD are therefore estimated as follows: $(1439 \text{ tracts} \times \$6,000) = \$8,634,000$ and $(160 \times \$30,000) = \$4,800,000$. Total administrative costs are therefore estimated at \$1,700,000 for the USACE and \$13,434,000 for the SFWMD.

13.4 Alternative No. 4 – Landowner's Choice Land Acquisition

The administrative costs of the USACE are \$1,700,000. SFWMD would acquire a total of 1726 parcels, which includes those already acquired by SFWMD. Of these 1726 parcels, 52 would be acquired through eminent domain. Total administrative costs of the SFWMD are therefore estimated as follows: $(1674 \text{ tracts} \times \$6,000) = \$10,044,000$ and $(52 \times \$30,000) = \$1,560,000$. Total administrative costs are therefore estimated at \$1,700,000 for the USACE and \$11,604,000 for the SFWMD.

13.5 Alternative No. 5 – Total Buy-Out Plan

The administrative costs of the USACE are \$1,700,000. SFWMD would acquire a total of 1726 parcels, which includes those already acquired by SFWMD. Of these 1726 parcels, 172 would be acquired through eminent domain. Total administrative costs of the SFWMD are therefore estimated as follows: $(1553 \text{ tracts} \times \$6,000) = \$9,318,000$ and $(172 \times \$30,000) = \$5,160,000$. Total administrative costs are therefore estimated at \$1,700,000 for the USACE and \$14,478,000 for the SFWMD.

13.6 Alternative No. 6B – Western Portion of 8.5 SMA as Buffer Alternative

The administrative costs of the USACE are \$1,700,000. SFWMD would acquire a total of 1373 parcels, which includes those already acquired by SFWMD. Of these 1373 parcels, 137 would be acquired through eminent domain. Total administrative costs of the SFWMD are therefore estimated as follows: $(1236 \text{ tracts} \times \$6,000) = \$7,416,000$ and $(137 \times \$30,000) = \$4,110,000$. Total administrative costs are therefore estimated at \$1,700,000 for the USACE and \$11,526,000 for the SFWMD.

13.7 Alternative No. 7 – Raise All Roads Plan

The administrative costs of the USACE are \$1,700,000. SFWMD would acquire a total of 1605 parcels, which includes those already acquired by SFWMD. Of these 1605 parcels, 160 would be acquired through eminent domain. Total administrative costs of the SFWMD are therefore estimated as follows: $(1445$

tracts X \$6,000) = \$8,670,000 and (160 X \$30,000) = \$4,800,000. Total administrative costs are therefore estimated at \$1,700,000 for the USACE and \$13,470,000 for the SFWMD.

13.8 Alternative No. 8A – Western Portion of 8.5 SMA as Flow-way

The administrative costs of the USACE are \$1,700,000. SFWMD would acquire a total of 1590 parcels, which includes those already acquired by SFWMD. Of these 1590 parcels, 160 would be acquired through eminent domain. Total administrative costs of the SFWMD are therefore estimated as follows: (1430 tracts X \$6,000) = \$8,580,000 and (160 X \$30,000) = \$4,800,000. Total administrative costs are therefore estimated at \$1,700,000 for the USACE and \$13,380,000 for the SFWMD.

13.9 Alternative No. 9 – Adaptive Refinement of GDM Plan

The only administrative costs are those of the USACE-\$1,700,000.

14.0 RELOCATIONS OF ROADS, BRIDGES, UTILITIES, TOWNS AND CEMETERIES

The following information under relocations is provided as defined in Appendix Q, Relocations, Alterations, Vacations and Abandonments (EFARS - October 1, 1984) and ER 1180-1-1, Part 73 as real estate guidance for utility and other relocations at Army Corps of Engineers Projects.

Public Road and Bridge Relocations: No roads will be relocated in any of the Alternatives. For Alternative No. 7, Raise All Existing Roads Plan, both a portion of Howard Drive and Richmond Drive are owned and maintained by Miami-Dade County. If the County does not maintain the roads after completion of the raising, an interest would have to be acquired for the special taxing district.

Utilities Relocations: There is an over head phone line and power lines located in 8.5 SMA that may require relocation under the different alternatives. Presently no Attorney's Opinion of Compensability has been prepared for these possible utility relocations.

Relocations of Towns and Cemeteries: There are no known towns or cemeteries located within the project area.

15.0 NON-FEDERAL OPERATION/MAINTENANCE RESPONSIBILITIES

For Alternatives Nos. 1, 2, 3, and 9, the Non-Federal Sponsor is responsible for twenty-five percent (25%) of operation and maintenance of all project features and/or structures.

For Alternative Nos. 4, and 5, operation and maintenance would consist of land management costs associated with the acquired land and would be the responsibility of the Non-Federal Sponsor

For Alternatives Nos. 6 and 8, the Non-Federal Sponsor is responsible for twenty-five percent (25%) of operation and maintenance of all project features and/or structures.

For Alternative No. 7, the responsibility for the operation and maintenance of the roads would be the responsibility of Miami-Dade County or the special taxing district.

16.0 LOCAL SPONSOR'S AUTHORITY TO PARTICIPATE IN THE PROJECT

The South Florida Water Management District was created by virtue of Florida Statutes, Chapter 373, Section .069. The South Florida Water Management District was created to further the State policy of flood damage prevention, preserve natural resources of the State including fish and wildlife and to assist in maintaining the navigability of rivers and harbors. (There are other enumerated purposes but they are not directly applicable to this project.) The South Florida Water Management District is specifically empowered to:

Cooperate with the United States in the manner provided by Congress for flood control, reclamation, conservation, and allied purposes in protecting the inhabitants, the land, and other property within the district from the effects of a surplus or a deficiency of water when the same may be beneficial to the public health, welfare, safety, and utility. (Section 373.103)

To carry out the above purposes, the South Florida Water Management District is empowered to - *hold, control, and acquire by donation, lease, or purchase, or to condemn any land, public or private, needed for rights-of-way or other purposes, and may remove any building or other obstruction necessary for the construction, maintenance, and operation of the works; and to hold and have full control over the works and rights-of-way of the district.*

The term *works of the district* is defined by Section 373.019 to be - *those projects and works, including, but not limited to, structures, impoundments, wells, and other water courses, together with the appurtenant facilities and accompanying lands, which have been officially adopted by the governing board of the district as works of the district.*

Section 373.139 specifically empowers the South Florida Water Management District - *to acquire fee title to real property and easements therein by purchase, gift, devise, lease, eminent domain, or otherwise for flood control, water storage, water management, and preservation of wetlands, streams and lakes, except*

that eminent domain powers which may be used only for acquiring real property for flood control and water storage.

SFWMD would have to obtain authority from the State legislature to utilize eminent domain authority.

17.0 HAZARDOUS AND TOXIC WASTES (HTW)

Based on a review of available Federal and State lists, it does not appear that the 8.5 SMA has been directly impacted by hazardous or petroleum wastes or products. The presence of underground fuel tanks within the area constitutes a potential source for petroleum contamination of the Biscayne aquifer due to its close proximity to ground surface and shallow water table.

A reconnaissance survey undertaken by DERM indicates areas with abandoned automobiles, abandon boats, unidentified wastes piles, pump stations, outhouses, garage and storage sheds, and numerous animal pens. These land use activities could potentially impact soil, groundwater, and surface water quality in the area.

Before acquisition and certification of project lands can be completed, additional evaluation of potential hazardous and toxic waste problems will be undertaken. Cleanup costs for any hazardous and toxic waste problems that may be identified will be borne by the local sponsor or the landowner and are not project costs.

18.0 RECREATION RESOURCES

There are no separable recreation lands required for this project.

19.0 OUTSTANDING RIGHTS

There are no known outstanding rights other than easements for public roads and utilities.

20.0 MINERALS

There is a minimal amount of outstanding mineral rights in the project area, which would not affect project construction. Therefore, it is recommended that the mineral rights not be acquired for those lands to be acquired by SFMWD.

For those lands being acquired by the USACE, the current authorized project requires the acquisition of mineral rights.

21.0 STANDING TIMBER AND VEGETATIVE COVER

Proposed acquisition of lands for project implementation will not consist of any area, which will include standing timber or other vegetative cover that has significant recreation or scenic value, therefore, there will be no reservation of standing timber for the proposed acquisition.

22.0 MITIGATION

There are no known mitigation requirements.

23.0 SUMMARY OF ESTIMATED PROJECT REAL ESTATE COSTS

For more detailed breakdown see Tables attached.

23.1 Alternative No. 1 – Authorized GDM Plan-USACE ONLY

USACE

Lands and Damages: \$2,378,200

Acquisition/Administrative costs \$1,700,000

Relocation costs P.L. 91-646 \$ 32,000

SUBTOTAL \$4,110,200

TOTAL ESTIMATED REAL ESTATE COST OF

ALTERNATIVE NO. 1= \$4,110,200

23.2 Alternative No. 2B – Modified GDM Plan-USACE ONLY

USACE

Lands and Damages: \$2,378,200

Acquisition/Administrative costs \$1,700,000

Relocation costs P.L. 91-646 \$ 32,000

SUBTOTAL \$4,110,200

TOTAL ESTIMATED REAL ESTATE COST OF

ALTERNATIVE NO. 2B= \$4,110,200

23.3 Alternative No. 3 – Deep Seepage Barrier Plan

USACE

Lands and Damages: \$2,378,200

Acquisition/Administrative costs \$1,700,000

Relocation costs P.L. 91-646 \$ 32,000

SUBTOTAL \$4,110,200

NON-FEDERAL SPONSOR

Lands and Damages

SFWMD acquired land-fee simple \$ 9,342,510

Flowage Easement lands

4,693 at \$9,190 per acre \$41,999,530

Residences Improvements

50 at \$87,000 \$ 4,350,000

Agriculture improvements \$ 7,722,557

Severance damages \$0

Minerals \$0

Raising of septic systems \$ 7,792,000

Acquisition/Administrative costs

Includes condemnation \$13,434,000

P.L. 91-646 Payments \$ 1,236,500

Administrative costs for relocations \$ 860,000

Contingency 25% on \$77,394,587 \$ 19,348,647

SUBTOTAL \$106,085,744

TOTAL ESTIMATED REAL ESTATE COST OF

ALTERNATIVE NO. 3 (rounded)= \$110,195,000

23.4 Alternative No. 4 – Landowner’s Choice Land Acquisition

USACE

Lands and Damages: \$2,378,200

Acquisition/Administrative costs \$1,700,000

Relocation costs P.L. 91-646 \$ 32,000

SUBTOTAL \$4,110,200

NON-FEDERAL SPONSOR

Lands and Damages

SFWMD acquired land-fee simple \$ 9,342,510

Fee lands to be acquired

382X\$9,690 \$ 3,701,580

Flowage Easement lands

4,654 acresX\$9,190 \$41,641,120

Life estate with flowage easement

245 acresX \$9,190 \$ 2,251,550

Residential improvements

121X\$87,000 \$10,527,000

Agricultural improvements \$ 8,756,000

Severance damages \$0

Minerals \$0

Raising of septic systems \$ 7,088,000

Acquisition/Administrative costs

Includes condemnation \$11,604,000

P.L. 91-646 Payments \$ 1,160,000

Administrative costs for relocations \$ 740,000

Contingency 25% on \$74,284,720 \$21,897,180

SUBTOTAL \$118,708,940

TOTAL ESTIMATED REAL ESTATE COST OF

ALTERNATIVE NO. 4= \$122,819,140

23.5 Alternative No. 5 – Total Buy-Out Plan

USACE

Lands and Damages: \$2,378,200

Acquisition/Administrative costs \$1,700,000

Relocation costs P.L. 91-646 \$ 32,000

SUBTOTAL \$4,110,200

NON-FEDERAL SPONSOR

Lands and Damages

SFWMD acquired land-fee simple \$ 9,342,510

Fee lands to be acquired

4,975 acresX\$9,690 \$48,208,092

Flowage easement-FAA \$ 1,683,000

Residential improvements

321X\$87,000 \$27,900,955

Agricultural improvements \$ 8,757,630

Severance damages \$0

Minerals \$0

Acquisition/Administrative costs

Includes condemnation \$14,478,000

P.L. 91-646 Payments \$12,058,700

Administrative costs for relocations \$ 7,940,000

Contingency 25% on \$121,170,847 \$30,292,712

SUBTOTAL

TOTAL ESTIMATED REAL ESTATE COST OF

ALTERNATIVE NO. 5= \$164,884,300

23.6 Alternative No. 6B – Western Portion of 8.5 SMA as Buffer Alternative

USACE

Lands and Damages: \$2,378,200

Acquisition/Administrative costs \$1,700,000

Relocation costs P.L. 91-646 \$ 32,000

SUBTOTAL \$4,110,200

NON-FEDERAL SPONSOR

Lands and Damages

SFWMD acquired land-fee simple \$ 9,342,510

Fee lands to be acquired

3,064 at \$9,690 \$29,690,160

Residential Improvements

220X\$87,000 \$19,140,000

Misc Improvements \$ 5,392,640

Severance damages \$0

Minerals \$0

Raising of septic systems \$0

Acquisition/Administrative costs

Includes condemnation \$11,526,000

P.L. 91-646 Payments \$8,240,731

Administrative costs for relocations \$5,420,000

Contingency 25% on \$79,409,531 \$19,852,383

SUBTOTAL \$108,604,424

TOTAL ESTIMATED REAL ESTATE COST OF

ALTERNATIVE NO. 6B= \$112,682,600

23.7 Alternative 7 – Raise All Roads Plan

USACE

Lands and Damages: \$2,378,200

Acquisition/Administrative costs \$1,700,000

Relocation costs P.L. 91-646 \$ 32,000

SUBTOTAL \$4,110,200

NON-FEDERAL SPONSOR

Lands and Damages

SFWMD acquired land-fee simple \$ 9,342,510

Fee lands to be acquired

303 acresx\$9,690 \$ 2,936,070

Flowage Easement lands

4,404X\$9,190 \$40,472,760

Residential improvements

50X\$87,000 \$ 4,350,000

Agricultural improvements \$ 7,751,040

Severance damages \$0

Minerals \$0

Raising of septic systems \$7,792,000

Acquisition/Administrative costs

Includes condemnation \$13,470,000

P.L. 91-646 Payments \$1,171,500

Administrative costs for relocations \$860,000

Contingency 25% on \$78,803,370 \$19,700,842

SUBTOTAL

TOTAL ESTIMATED REAL ESTATE COST OF

ALTERNATIVE NO. 7 rounded = \$111,924,900

8.0 Alternative 8A – Western Portion of 8.5 SMA as Flow-way

USACE

Lands and Damages: \$2,378,200

Acquisition/Administrative costs \$1,700,000

Relocation costs P.L. 91-646 \$ 32,000

SUBTOTAL \$4,110,200

NON-FEDERAL SPONSOR

Lands and Damages

SFWMD acquired land-fee simple \$ 9,342,510

Fee lands to be acquired

2,658 acres at \$9,690 \$25,756,020

Flowage Easement lands

2,013 acres at \$9,190 \$18,499,470

Residential improvements

199X\$87,00 \$17,313,000

Agricultural improvements \$ 3,542,880

Severance damages \$0

Minerals \$0

Raising of septic systems \$0

Acquisition/Administrative costs

Includes condemnation \$13,380,000

P.L. 91-646 Payments \$ 7,257,819

Administrative costs of relocations \$ 5,080,000

Contingency 25% on \$72,184,879 \$18,046,220

SUBTOTAL

TOTAL ESTIMATED REAL ESTATE COST OF

ALTERNATIVE NO. 8A rounded= \$115,421,800

23.9 Alternative 9 – Adaptive Refinement of GDM Plan

USACE ONLY

USACE

Lands and Damages: \$2,378,200

Acquisition/Administrative costs \$1,700,000

Relocation costs P.L. 91-646 \$ 32,000

SUBTOTAL \$4,110,200

TOTAL ESTIMATED REAL ESTATE COST OF

ALTERNATIVE NO. 9= \$4,110,200

24.0 ESTATES TO BE ACQUIRED

24.1 Fee

Fee: The fee simple title to (the land described in Schedule A) (Tracts No. ____ and ____) subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; less and except the Severable Use Rights (SURs) associated with the described land, which rights exist pursuant to Metropolitan Dade County Code Section 33B, and which rights are expressly severed from the described land and retained by the Grantor.

This instrument restricts the use of the above-described land to nonresidential uses.

or

Fee: The fee simple title to (the land described in Schedule A) (Tracts No. ____ and ____) subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; less and except the Severable Use Rights (SURs) associated with the described land, which rights exist pursuant to Metropolitan Dade County Code Section 33B, and which rights were previously severed from the described land by an instrument recorded in [insert proper recording reference for the deed which severed the SURs].

24.2 Fee Excepting and Subordinating Subsurface Minerals

The fee simple title to (the land described in Schedule A) (Tract No. _____), subject, however, to existing easements for public roads and highways, public

utilities, railroads and pipelines; excepting and excluding from the taking all (coal) (oil and gas) in and under said land and all appurtenant rights used in connection with the exploration, development, production and removal of said (coal) (oil and gas), including any existing structures and improvements; provided, however, that the said (coal) (oil and gas) and appurtenant rights so excepted and excluded are hereby subordinated to the prior right of the Non-Federal Sponsor to flood and submerge the land as may be necessary in the construction, operation and maintenance of the project; provided further that my exploration or development of said (coal), (oil and gas) in and under said land shall be subject to Federal and state laws with respect to pollution of waters of the reservoir, and provided that the type and location of any structures, improvement and appurtenance thereto now existing or to be erected or constructed on -said land in connection with the exploration and/or development of said (coal) (oil and gas) shall be subject to the prior written approval of the Non-Federal sponsor and excepting and excluding from the taking ail, interests in the (coal) (oil and gas) which are outstanding is parties other than the surface owners and all tenant appurtenant rights for the exploration, development and removal of said (coal) (oil and gas) so excluded and less and except the Severable Use Rights (SURs) associated with the described land, which rights exist pursuant to Metropolitan Dade County Code Section 33B, and which rights are expressly severed from the described land and retained by the Grantor.

24.3 Fee Excluding Minerals (With Restriction On Use Of The Surface)

The fee simple title to (the land described in Schedule A), (Tracts No. _____), subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; excepting and excluding from the taking all (coal) (oil and gas), is and under said land and all appurtenant rights for the exploration, development, production and removal, of said (coal) (oil and gas), but without the right to enter upon or over the surface of said land for the purpose of drilling and extracting therefrom said (coal) (oil and gas) and less and except the Severable Use Rights (SURs) associated with the described land, which rights exist pursuant to Metropolitan Dade County Code Section 33B, and which rights are expressly severed from the described land and retained by the Grantor.

24.4 Fee Excluding Minerals (With Restriction on Use of the Surface and Subordination to the Right to Flood).

The fee simple title to (the land described in Schedule A) (Tracts No. _____), subject, however, to existing easements for public roads and highways, public utilities, railroads ant pipelines; excepting and excluding from the taking all (coal) (oil and gas) in and under said land and all appurtenant rights for the exploration, development, production and removal of said (coal) (oil and gas), but without the right to enter upon or over the surface of said land for the purpose of drilling and extracting therefrom said (coal) (oil and gas); provided, however, that the said (coal) (oil' and gas) and appurtenant rights so excepted

mad excluded are subordinated to the prior right of the, Non-Federal Sponsor to flood and submerge the land in connection with the operation and maintenance of the project and less and except the Severable Use Rights (SURs) associated with the described land, which rights exist pursuant to Metropolitan Dade County Code Section 33B, and which rights are expressly severed from the described land and retained by the Grantor.

24.5 Flowage Easement (Permanent Flooding)

The perpetual right, power, privilege and easement permanently to overflow, flood and submerge (the land described is Schedule A) (Tracts No. ____) (and to maintain mosquito control) in connection with 'the operation and Maintenance o the project as authorized by the Act of Congress approved and the continuing right to clear and remove any brush, debris and natural obstructions which, in the opinion of the representative of the Non-Federal Sponsor in charge of the project, may be detrimental to the project, together with all right, title and interest in and to the timber situate on the land; together with all right, title and interest in and to the structures and improvements now situate on the land, except fencing above elevation ____ and also excepting the structure(s) now existing on the land described as _____, which may be maintained on the land provided that no portion of the structures located below elevation ____ feet, mean sea level, shall be utilized for human habitation to the extent that sleeping accommodations will be maintained therein; provided that no other structures shall also be constructed or maintained on the land except as may be approved in writing by the representative of the Non-Federal Sponsor, in charge of the project, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of landfill; the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further that any use of the land shall be subject to Federal and State laws with respect to pollution.

24.6 Flowage Easement (Portions of Land to be Subjected to Permanent Inundation and Portions to be Subjected to Occasional Flooding

The perpetual right, power, privilege and easement in, upon, over and across (the land described in Schedule A) (Tracts No. _____) for the purposes set forth below:

a. Permanently to overflow, flood and submerge the land lying below elevation _____ (and to maintain mosquito control,) in connection with the operation and maintenance of the project for the purposes as authorized by the Act of Congress approved _____, together with all right, title and interest

in and to the timber; and the continuing right to clear and remove any brush, debris and natural obstructions which, in the opinion of the representative of the Non-Federal sponsor in charge of the project may be detrimental to the project.

b. Occasionally to overflow, flood and submerge the land lying above elevation _____ (and to maintain mosquito control,) in connection with the operation and maintenance of said project.

Together with all right, title and interest in and to the structures and improvements now situate on the land, except fencing above elevation ____ and also excepting the structure(s) now existing on the land described as _____, which may be maintained on the land provided that no portion of the structures located below elevation ____ feet, mean sea level, shall be utilized for human habitation to the extent that sleeping accommodations will be maintained therein; provided that no other structures shall also be constructed or maintained on the land except as may be approved in writing by the representative of the Non-Federal Sponsor, in charge of the project, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of landfill; the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further that any use of the land shall be subject to Federal and State laws with respect to pollution.

25.0 REAL ESTATE ACQUISITION SCHEDULE

Real estate acquisition for all alternatives is scheduled to be completed in December 2003, subject to funding.